

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRANS-SPEC TRUCK SERVICE, INC.
d/b/a TRUCK SERVICE,

Plaintiff

v.

CATERPILLAR INC.

Defendant

CIVIL ACTION NO. 04-11836-RCL

DEFENDANT CATERPILLAR'S MOTION TO COMPEL PLAINTIFF TRANS-SPEC'S
FURTHER RESPONSES TO INTERROGATORIES

The Defendant, Caterpillar Inc., respectfully moves this Court, pursuant to Fed. R. Civ. P. 37(a) and Local Rule 37.1, for an order directing the plaintiff, Trans-Spec Truck Service, Inc. d/b/a Truck Service, to provide full and complete responses to Caterpillar's Interrogatory Nos. 10, 11 and 13, without objection and within ten (10) days of entry of the Court's Order. Caterpillar states that its efforts to obtain proper responses through good faith discussions with plaintiff's counsel have failed, necessitating the filing of this Motion to Compel.

WHEREFORE, as explained more fully in its accompanying memorandum of law, Caterpillar respectfully requests that this Court order the plaintiff to completely and fully answer Caterpillar's First Request for Interrogatories Nos. 10, 11 and 13 within ten (10) days of entry of this order by either (a) describing with specificity the documents plaintiff claims contain the express warranties Caterpillar has breached, or (b) attaching copies of those specific documents and no others. (A proposed order is attached).

REQUEST FOR ORAL ARGUMENT

Caterpillar respectfully requests that a hearing be scheduled on its Motion to Compel.

CERTIFICATE OF SERVICE

I, Christopher R. Howe, attorney for the Defendant, Caterpillar Inc., hereby certify that on March 15, 2005, I served a true copy of the above document by causing a copy to be faxed and mailed, by first class mail, postage prepaid, to Plaintiff's counsel.

s/ Christopher R. Howe

Christopher R. Howe

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PROPOSED ORDER

The Court, having heard the arguments of counsel, hereby ORDERS that:

1) Plaintiff, Trans-Spec Truck Service, Inc., completely and fully answer defendant Caterpillar's First Request for Interrogatories Nos. 10, 11 and 13 within ten (10) days of entry of this order by either (a) describing with specificity the documents plaintiff claims contain the express warranties Caterpillar has breached, or (b) attaching copies of those specific documents and no others.